

**ENTERED**

September 01, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MIGUEL DAVILA, JR.,

Plaintiff,

v.

WILLIAM J.W. COX, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:22-CV-00142

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"), entered on August 8, 2022. (D.E. 13). The M&R recommends that the Court dismiss with prejudice Plaintiff's claims pursuant to 42 U.S.C. § 1983 as frivolous and/or for failure to state a claim on which relief may be granted. *Id.* at 1. The M&R further recommends that the dismissal of this case count as a "strike" for purposes of 28 U.S.C. § 1915(g). *Id.* Plaintiff timely filed what appear as objections to the M&R. (D.E. 15).

Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which the Plaintiff's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Plaintiff's objections in their entirety. (D.E. 15). In objecting, Plaintiff seemingly attempts to reargue the merits of his claims. For the same reasons set forth in the M&R, the Court **OVERRULES** this objection. (D.E. 15). Accordingly:

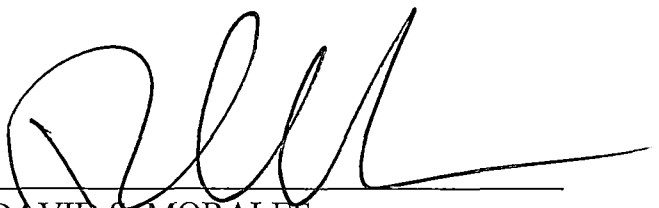
(1) The Court **ADOPTS** the M&R in its entirety. (D.E. 13).

(2) Plaintiff's complaint is **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915A(b)(1) as frivolous and/or for failure to state a claim on which relief can be granted. (D.E. 1).

(3) This dismissal is counted as a strike for purposes of 28 U.S.C. § 1915(g), and the Clerk of Court is **INSTRUCTED** to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at [Three\\_Strikes@txs.uscourts.gov](mailto:Three_Strikes@txs.uscourts.gov).

A final judgment will be entered separately.

SO ORDERED.

  
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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
August 30<sup>th</sup>, 2022